

REMARKS

1. Summary of the Rejections in the Office Action of September 10, 2004

At page 2, paragraph 2 of the Office Action, the Examiner rejects claim 32 under 35 U.S.C. § 112, ¶2, as allegedly being indefinite. At page 2, paragraph 3 of the Office Action, the Examiner rejects claims 911, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60 under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent No. 5,848,396 to Gerace. Moreover, at page 4, paragraph 4 of the Office Action, the Examiner rejects claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Gerace.

2. 35 U.S.C. § 112, ¶2 Rejections

At page 2, paragraph 2 of the Office Action, the Examiner rejects claim 32 Under 35 U.S.C. § 112, ¶2, as allegedly being indefinite. Specifically, the Examiner asserts that claim 32 appears to be incomplete. Claim 32 recites:

A system for providing a dynamic content window within a window based content manifestation environment provided within a web browser, comprising:

a server system configured to transmit a software system and data related to a content source via an electronic data network; and

a web browser client operating within a data processing system that is coupled to said server system via the electronic data network and having a content manifestation environment, said web browser client operative to receive said software system and said data, to process said software system and data to produce a controllable window object within said content manifestation environment of said web browser client, said controllable window object configured to dynamically manifestation therein content received from said content source in accordance with said data.

The Applicant respectfully submits that claim 32 is complete, and as such, claim 32 is not indefinite. Therefore, the Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection of claim 32.

3. 35 U.S.C. § 102(e) Rejections

At page 2, paragraph 3 of the Office Action, the Examiner rejects claims 9-111, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60 under 35 U.S.C. § 102(e), as allegedly being anticipated by Gerace. The Applicant respectfully traverses the Examiner's anticipation rejections and asserts the following remarks in response:

"A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131. The Applicant maintains that the Examiner fails to establish that each and every element of claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60 is expressly or inherently described in Gerace.

a. Independent Claims 9, 23, 32, 43, and 54

The Applicant's independent claims 9 and 23 each recites, in part "a content manifestation area configured to **dynamically manifest advertising content** received from an advertising content source via an electronic data network." The Applicant's independent claims 32 and 54 each recite, in part, "a web browser client ... operative to receive said software system and said data, to process said software system and data to produce a controllable window object within said content manifestation environment of said web browser client, said controllable window object configured to **dynamically manifest therein content received from said content source** in accordance with said data." Similarly, the Applicant's independent claim 43 recites, in part, a method comprising the step of "**dynamically manifesting said content within said controllable window object** in accordance with said data."

Referring to column 2, lines 3-30 of Gerace, the Examiner asserts that Gerace discloses that the content manifestation area (or controllable window object) is configured to dynamically manifest content, e.g., advertising content, therein. However, column 2, lines 3-30 of Gerace merely recites:

The present invention uses agate information to determine the profile of a computer user, and in particular the behavioral or psychographic profile, as distinguished from the demographic profile, of a user. To accomplish this, the present invention provides (i) a data assembly for displaying customized agate

information to a computer user, and (ii) a tracking and profiling member for recording user activity with respect to agate information displayed through the data assembly. Over time, the tracking and profiling member holds a history and/or pattern of user activity which in turn is interpreted as a user's habits and/or preferences. To that end, a psychographic profile is inferred from the recorded activities in the tracking and profiling member.

Further, the tracking and profiling member records presentation (format) preferences of the users based on user viewing activity. Preferences with respect to color schemes, text size, shapes, and the like are recorded as part of the psychographic profile of a user. In turn, the psychographic profiles enable the data assembly to customize presentation (format) of agate information, per user, for display to the user.

In the preferred embodiment, the data assembly displays agate information and/or advertisements (combined in a common screen view or separately in respective screen views). The advertisements (stored in an advertisement module, for example) are displayed to users in accordance with the psychographic profile of the user.

The tracking and profiling member also records demographics of each user. As a result, the data assembly is able to transmit advertisements for display to users based on psychographic and demographic profiles of the user to provide targeted marketing.

As such, Gerace merely discloses creating a psychographic profile of a user, and displaying advertising content to the user in accordance with their psychographic profile. Nevertheless, Gerace does not disclose or suggest that the content manifestation area **dynamically** manifest/displays the advertising content to the user, and the Applicant respectfully submits that the content manifestation area **statically** manifest/displays the advertising content to the user. Therefore, the Applicant respectfully requests that the Examiner withdraw the anticipation rejection of claims 9, 23, 32, 43, and 54, and allow the same to issue in a U.S. patent.

b. Dependent Claims 10, 11, 24, 25, 34-38, 45-49, and 56-60

Claims 10, 11, 24, 25, 34-38, 45-49, and 56-60 each depend from one of allowable independent claims 9, 23, 32, 43, and 54. Therefore, the Applicant respectfully requests that the Examiner withdraw the anticipation rejection of claims 10, 11, 24, 25, 34-38, 45-49, and 56-60, and allow the same to issue in a U.S. patent.

4. **35 U.S.C. § 103(a) Rejections**

At page 4, paragraph 4 of the Office Action, the Examiner rejects claims 12, 13, 26-31, 33, 39-42, 44, 50-53, and 61-64 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Gerace.

The Applicant respectfully TRAVERSES the Examiner's obviousness rejections and asserts the following remarks in response:

Claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64 each depend from one of the independent claims 9, 23, 32, 43, and 54. "If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious." MPEP 2143.03 (citations omitted). Therefore, the Applicant respectfully requests that the Examiner withdraw the obviousness rejections of claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64, and allow the same to issue in a U.S. patent.

<THIS SPACE IS LEFT BLANK INTENTIONALLY>

Conclusion:

The Applicant respectfully submits that the above-titled patent application is in condition for allowance, and such action is earnestly requested. If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will expedite the examination of this application, the Examiner is invited to contact the undersigned attorney of record. The Applicant is enclosing a check in the amount of **Seven-Hundred & Fifty Dollars (\$750.00)** covering the requisite fee for a Petition to Revive an Unintentional Abandonment of an Application.

Nevertheless, in the event of any variance between the fees determined the Applicant and those determined by the U.S. Patent and Trademark Office, the Examiner is requested to contact the undersigned attorney, reference **Attorney Docket No. 040.0058 (T1845.00026)**.

Erik B. Cherdak
Duane Morris LLP
1667 K Street, N.W., Suite 700
Washington, DC 20006-1608
Ph. 202.776.7800
Fax 202.776.7801

Dated: 11/5/06

Respectfully submitted,

By 

Erik B. Cherdak
Registration No. 39,936